



Date: November 6, 2018

To: ALAS Membership
Re: Public Charge Regulation & How To File Comments

Dear ALAS Leaders,

Are you concerned about the proposed change in Public Charge Regulation and how it is going to impact your school district? Your community? Your students?

This is your opportunity to take-action. Comments are due by December 10, 2018.

About the Public Charge Proposed Regulation

A “public charge” is an individual considered dependent on the government for subsistence. **This status plays a role in determining admission into the United States and adjusting legal residency to permanent “green card status.”** A proposed regulation from the U.S. Department of Homeland Security would change who is considered a “public charge” and would put an **individual’s legal immigration status at risk if they use critical programs that support health, nutrition, and housing stability (Medicaid, SNAP, Public Housing)**. If enacted, the proposed rule would make immigrant families afraid to seek programs that help them stay productive and raise thriving children, which puts the health and wellbeing of millions of children at risk.

ALAS urges all members, but particularly those serving large numbers of immigrant families, to weigh in on this regulation.

Please use templates to personalize your public comment.

ALAS COMMENT TEMPLATE

I am the superintendent of xx in xx [district/state]. In my district we serve [describe population of immigrant students you serve]. My job is to ensure all the children in my children are successful academically, professionally and in life.

Because of the large population of immigrant students in my district, I am concerned about the financial and educational impact this regulation could have on my district and its students. Specifically, I am concerned that this regulation, as proposed, will undermine the federal obligation to meet the health, nutritional and housing needs of children which will result an unfunded mandate for the nation’s public schools, which remain committed to ensuring that children come to school ready to learn

Specifically, I want to highlight three areas of the proposed public charge regulation that concern me.

MEDICAID

The proposed regulation details that accessing Medicaid services could jeopardize a child’s path to permanent residency even though they qualify for these services legally, which would



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impact over one in ten children in this country. Children in immigrant families who have health insurance are more likely to have a primary medical provider and receive regular health care visits. They're also less likely to have unmet care needs.

While the proposed rule includes exceptions for services funded by Medicaid but provided through the Individuals with Disabilities Education Act (IDEA), it is unclear how this carve-out would work in practice. Children with special needs cannot and do not receive Medicaid for educational services alone. Families will be fearful of their children participating in any Medicaid services.

Add either the red or blue text.

<i>Districts like mine already struggle to receive consent for Medicaid reimbursable services</i>	I am aware of districts close to mine that struggle to receive consent to receive reimbursement for Medicaid services they provide to children, regardless of immigration status.
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The need to meet the healthcare and special education needs of children exists regardless of whether a district can bill Medicaid for these services. However, if families are scared to allow us to bill Medicaid, we will instead need to use local funds to cover the cost of Medicaid-reimbursable services, which could put enormous strains on our district budget.

Add either the red or blue text.

For example, I currently received xx dollars from Medicaid. This pays for xxx. A loss in our funds could cause me to reduce xx, which impacts all children we serve, not just immigrant children.	It is already challenging to ensure that all children have access to the healthcare needs outside of school they need to be healthy enough to learn. This regulation will make it more challenging and place the burden on my district to meet increasing healthcare needs of children.
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SNAP

The proposed regulation would hinder children from accessing nutrition assistance through the Supplemental Nutrition Assistance Program (SNAP). One in four children in America have at least one immigrant parent and if these families fear jeopardizing that family member's path to citizenship, they may avoid getting this critical food subsidy that children need.

Add either the red or blue text.

<p style="color: red;">As a result, students in affected homes may not have access to proper nutrition outside the school and may not come to school ready to learn. In my district, we offer students nutritious breakfast and lunch through the Community Eligibility Provision and through xx. However, if students are unable to access nutritious food at home in the evenings and on weekends, children do not come to school ready or able to learn</p>	<p style="color: blue;">In my district, we strive to ensure all students have access to healthy meals in school. However, if students are unable to access nutritious food at home in the evenings and on weekends, they will struggle to learn and advance academically with their peers.</p>
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PUBLIC HOUSING

This proposed regulation would deter eligible immigrant families from seeking much-needed housing and homelessness benefits. If families opt out of housing opportunities in our community and become homeless, families will experience increased housing instability, likely driving up homeless rates, increasing housing mobility, or both. In turn, districts will be required to provide specific educational services for immigrant children under the McKinney-Vento Act to ensure that homeless children are able to continue to attend school.

Add either the red or blue text.

<p style="color: red;">In my district, we struggle to ensure to meet the requirements of McKinney-Vento, particularly the transportation requirements, because of the lack of federal funding associated with the program. As a result, we spend considerable local dollars to ensure that any and all homeless children in our district have their educational needs met at school</p>	<p style="color: blue;">While my district does not have a large homeless population, it is considerably expensive to meet the requirements under the McKinney-Vento Act to serve the homeless children we do have. If this number increases due to immigrant families' opting-out of housing assistance, I worry about how we will find the resources to meet the requirements of the law and ensure educational stability for our homeless students.</p>
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CONCLUSION

Thank you for your considering my opposition to this important regulation.

Add either the red or blue text.

<p style="color: red;">I hope you do not move forward with this regulation as it will have a devastating impact on immigrant children that we educate and on school district budgets. We strive to serve all students in my district and fear this regulation</p>	<p style="color: blue;">I hope you take into account my views on this regulation and the impact it will have on school districts like xxxx when you issue a final regulation. It is crucial that all students in my district have access to a quality</p>
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would imperil all students, immigrant or otherwise.

education and the services they need to strive.

How to File Comments on the Public Charge Regulation

- **COMMENTS ARE DUE December 10,**
- Draft your response comments. You can create your own comments or work from the attached template. Format your response as a Word/PDF document (include organizational letterhead if possible)
- Go to <https://www.regulations.gov/document?D=USCIS-2010-0012-0001>
- In the 'Comment' box, type something similar to this: "I am writing to share my thought on the proposed regulation titled "Inadmissibility on Public Charge Grounds."
- Below the comment box:
 - Upload your file
 - Enter your first and last name.
 - Click 'continue'
- Review the information on this page, including a check to ensure your document is attached.
- Click the 'I have read and understand' item.
- Click 'Submit Comment'